Attorney Docket No. 2003P00992WOUS

UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | Egbert Classen et al |
| Application Number: | 10/565,695 |
| Filing Date: | 01/23/2006 |
| Group Art Unit: | 3749 |
| Examiner: | Jiping Lu |
| Title: | METHOD FOR OPERATING AN APPLIANCE COMPRISING AT LEAST ONE DRYING CYCLE |

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDED APPEAL BRIEF**

Appellants herewith file an amended Appeal Brief in the above-identified application. The Appeal Brief was accompanied by the requisite fee set forth in 37 CFR 1.17(f) on November 16, 2007. This amended Appeal Brief is filed in response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) dated December 7, 2007 and is accompanied by a request for a one-month extension of time.

Table of Contents

(1) REAL PARTY IN INTEREST

The real party in interest is BSH Bosch und Siemens Hausgeraete GmbH.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 1-6 are canceled. Claims 7-13 are pending in the application and have been finally rejected. The final rejection of claims 7-13 is being appealed.

(4) STATUS OF AMENDMENTS

No Amendment has been filed subsequent to the July 25, 2007, Office Action finally rejecting the present application.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

**CLAIM 7**

Independent claim 7 of the present application recites a method for operating a household appliance. The method includes subjecting items retained in the appliance to a drying step after the items have undergone a treatment step as a result of which moisture remains on the items. The step of drying includes conducting air from a treatment chamber via a conduit system in which both ends of at least one heat pipe protrude. The method further includes, thereafter, conducting the air through the at least one heat pipe, and recirculating the air back

to the treatment chamber. During the passage of the air between its exit of the treatment chamber and its recirculation to the treatment chamber, the air is cooled, moisture is removed from the air, and the air is subsequently reheated with no outside air being introduced into the treatment chamber and the conduit system. ([0010])

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

a. Whether claims 7-13 comply with the written description requirement of 35 U.S.C. § 112, first paragraph?

b. Whether claims 7-13 are unpatentable under 35 U.S.C. § 102(b) over the Dinh reference?

c. Whether claims 7-12 are unpatentable under 35 U.S.C. § 102(b) over the Okamoto et al. reference?

(7) ARGUMENT

a. Whether claims 7-13 comply with the written description requirement of 35 U.S.C. § 112, first paragraph?

The Office Action alleges that claims 7-13 fail to comply with the written description requirement of 35 U.S.C. § 112, first paragraph. In particular, the Office Action alleges that "no outside air being introduced into the treatment chamber and the conduit system" is not supported by the originally filed application. Appellants respectfully traverse this rejection.

Contrary to the Examiner's allegation, the specification very clearly provides support for this feature at, for example, paragraphs [0011] and [0024]. The specification explains that "In the closed air system any exchange of contaminated air from the surroundings is completely eliminated, preventing any back contamination of the items to be treated." (emphasis added, [0011]). Appellants respectfully submit that those of ordinary skill in the art understand that a "closed" air system as described is an air system in which "no outside air being introduced into the treatment chamber and the conduit system" as recited by independent claim 7.

Appellants respectfully submit that this rejection of claims 7-13 is in error and should be reversed.

b. Whether claims 7-13 are unpatentable under 35 U.S.C. § 102(b) over the Dinh reference?

The Office Action rejects claims 7-13 under 25 U.S.C. § 102(b) as allegedly being anticipated by the Dinh reference. Appellants respectfully traverse this rejection.

The Dinh reference does not teach or disclose the method for operating a household appliance recited in claim 7. Specifically, the Dinh reference does not relate to a household appliance but, instead, relates to an industrial drying system. In view of the non-analogous nature of the Dinh reference, it is therefore submitted that one of ordinary skill in the art would not refer to the Dinh reference for a solution for a household appliance.

Appellants respectfully submit that this rejection of claims 7-13 is in error and should be reversed.

c. Whether claims 7-12 are unpatentable under 35 U.S.C. § 102(b) over the Okamoto et al. reference?

The Office Action rejects claims 7-12 as allegedly being unpatentable over the Okamoto et al. reference. Appellants respectfully traverse this rejection.

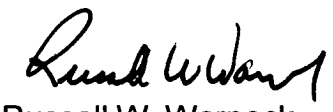
The Okamoto et al. reference does not teach or disclose the method for operating a household appliance recited in claim 7 of the present application as currently amended. Instead, the Okamoto et al. reference appears to introduce outside air via an inlet 15 and thus this prior art arrangement is does not disclose a method such as recited in claim 7 in which no outside air is introduced into the treatment chamber and the conduit system.

Appellants respectfully submit that this rejection of claims 7-12 is in error and should be reversed.

(8) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request that the Honorable Board of Patent Appeals and Interferences overrule the final rejection of Claims 7-13 over the cited art, and hold that the Appellant's claims are allowable over such art.

Respectfully submitted,



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CLAIMS APPENDIX

1 - 6 (Canceled)

7. A method for operating a household appliance, comprising:
subjecting items retained in the appliance to a drying step after the items have undergone a treatment step as a result of which moisture remains on the items, the step of drying including conducting air from a treatment chamber via a conduit system in which both ends of at least one heat pipe protrude, thereafter conducting the air through the at least one heat pipe, and recirculating the air back to the treatment chamber, whereupon, during the passage of the air between its exit of the treatment chamber and its recirculation to the treatment chamber, the air is cooled, moisture is removed from the air, and the air is subsequently reheated with no outside air being introduced into the treatment chamber and the conduit system.

8. The method according to claim 7, wherein the air is conveyed by means of a fan.

9. The method according to claim 7, wherein the air is cooled by means of the heat pipe.

10. The method according to claim 7, wherein the air is heated by means of the heat pipe.

11. The method according to claim 7, wherein the air is heated by means of a heater.

12. The method according to claim 7, wherein the air is passed by a condenser.

13. The method according to claim 7, wherein the appliance is a dishwasher that performs a programme run consisting of at least one partial programme step "pre-wash", a partial programme step "clean", at least one partial programme step "intermediate rinse", a partial programme step "clear rinse" and a partial program step "dry" to thereby wash and dry crockery and the step of drying includes conducting air from the treatment chamber during the "dry" partial programme step via the conduit system and recirculating the air back to the treatment chamber.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None